

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of New York

UNITED STATES OF AMERICA

v.

NAN WU a/k/a "RAY LIN,"

Case No. 8:21-MJ-201 (GLF)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about and between the date(s) of February 2021 through on or about March 3, 2021 in the county of Clinton in the Northern District of New York the defendant violated:

*Code Section*21 U.S.C. §§ 846, 841(a)(1) and
(b)(1)(C)*Offense Description*

The defendant and others did knowingly and intentionally conspire to possess with intent to distribute and to distribute 3,4-methylenedioxymethamphetamine (MDMA), a Schedule I controlled substance

This criminal complaint is based on these facts:
Click here to enter text.

☒ Continued on the attached sheet.

Complainant's signature

Task Force Officer Michael Hall, HSI

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: APRIL 7, 2021

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF CLINTON) SS:
CITY OF PLATTSBURGH)

I, Michael Hall, being duly sworn, deposes and states:

1. I have been employed as a customs officer with Customs and Border Protection (CBPO) since May 2002 and, as such, am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am presently working full time as a Task Force Officer (TFO) with Homeland Security Investigations (HSI) in the Resident Agent in Charge (RAC) Rouses Point NY office. I have completed my cross-designation training to serve as a HSI TFO. I am a member of a multi-agency investigative group called the Rouses Point Border Enforcement Security Team (BEST). I attended and graduated from the Federal Law Enforcement Training Center in Glynco, Georgia. As a TFO with HSI, I have received specialized training related to the investigation of money laundering, financial crimes, and narcotics trafficking. In connection with my duties as a TFO, I have participated in various aspects of investigatory work, including but not limited to undercover surveillance. I have also been involved with investigations where the U.S. Mail, other commercial carriers, and commercial vehicles have been used for the purpose of obtaining controlled substances for the purposes of distribution. Prior to joining Rouses Point BEST, in my role as a CBPO, I received advanced training in commercial targeting and contraband interdiction.

2. I make this affidavit based upon my personal knowledge and upon information received by me from other law enforcement officials. The statements of fact contained in this affidavit are based upon my personal knowledge, participation in the investigation, information provided by agents of HSI and

other law enforcement agencies, analysis of documents, and my experience and training as a Task Force Officer. As a result of my participation in this investigation, I am fully familiar with the facts and circumstances of the investigation. This affidavit does not set forth all of my knowledge in this matter but is merely submitted to show there is probable cause to believe that Nan WU a/k/a Ray LIN has committed a violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(C) (conspiracy to distribute and possess with intent to distribute a controlled substance).

3. On February 25, 2021, United States Customs and Border Protection (CBP) intercepted a parcel with UPS tracking number 1Z2985EA6893362928 as it entered the United States from Canada in Champlain, NY. The parcel was being shipped to "Ray LIN, 4620 Smart St, 2nd Floor, Flushing, NY 11355." The parcel's return address was "Thomas Girard, DELMARE, 5250 Rue Jarry E, Saint-Leonard, QC, H1R3A9, Canada." The parcel was searched in Champlain, NY upon entry into the United States from Canada and found to contain approximately 2 kilograms of a substance that field tested positive as 3,4-methylenedioxymethamphetamine ("MDMA"), a schedule I controlled substance commonly sold as Ecstasy.

4. On March 3, 2021, Special Agents with Homeland Security Investigations (HSI) and NYPD Task Force Officers (TFO) assigned to the NYC Airport BEST - Contraband Team IV, along with CBP Officers, conducted a controlled delivery of the seized UPS parcel in Flushing, NY. An HSI TFO, posing as a UPS employee, knocked on the front door of 46-20 Smart St with the seized parcel. An unidentified Asian female answered the door and stated the recipient wasn't there, but the parcel could be left. The HSI TFO returned to the vehicle with the parcel and placed a phone call to the number listed on the parcel. A male answered the phone and stated he would be to the location in approximately ten minutes.

5. At approximately 1450 hours, the HSI TFO, posing as a UPS employee, returned to Smart St and parked in front of 46-20 Smart St. Agents and TFOs

observed a black Mercedes AMG GLE 53 drive onto Smart St and park near the HSI TFO. An Asian male exited the Mercedes and approached the TFO. The Asian male stated to the TFO, "I'm here for the package." The TFO asked the Asian male for his name, to which the Asian male responded, "I'm picking up the package." The TFO then asked the Asian male, "Are you Ray LIN?" to which the Asian male responded, "yes." The Asian male then took possession of the parcel and walked back towards his black Mercedes. At approximately 1500 hours, as the Asian male approached the Mercedes, he was placed under arrest by agents and TFOs. The Asian male was identified as Nan WU.

6. WU was transported back to HSI ASAC JFK for arrest/seizure processing. At approximately 1615 hours, WU was brought to the interview room and then provided his *Miranda* Rights. WU stated that he understood his rights, and he signed ICE form 73-025 confirming that he wanted to waive his *Miranda* Rights and answer questions. In reference to the parcel, WU stated, "I was asked to go pick it up, and they'll pay me 500 bucks for the pack." WU stated the plan was to pick up the parcel and then contact an individual to come get the parcel who would then pay WU. WU stated the last couple of parcels he picked up were from Canada, specifically, Montreal and Quebec. WU was asked if he knew what drug was in the parcel, and WU responded, "I assumed it's ketamine or something like that. That's my drug. I use ketamine."¹ WU stated he has been arrested before for "like, exactly the same situation. Picking up a pack for somebody."

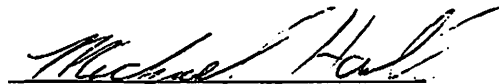
7. When agents and TFOs searched WU's Mercedes, they observed two pieces of paper sitting in the front console area of the Mercedes: 1 (one) piece

¹ Ketamine is a medication primarily used for starting and maintaining anesthesia. It induces dissociative anesthesia, a trance-like state providing pain relief, sedation, and amnesia. Ketamine and synthesized analogs have become drugs of abuse with hallucinogenic properties. It has also been used as a "date rape" drug. In 1999, ketamine, including its salts, isomers and salts of isomers, became a Schedule III non-narcotic substance under the Controlled Substances Act.

of paper with "UPS 718-706-3122 718-706-3050" written in ink; and 1 (one) piece of paper with "1Z300V1X6837816372" written in ink. "1Z300V1X6837816372" is the UPS tracking number for a UPS parcel seized on February 18, 2021 at Champlain, NY UPS. The parcel was found to contain approximately 4.05 kilograms of a substance that field tested positive as MDMA, concealed within a microwave.

8. Based on my training, experience and knowledge of narcotics trafficking, your affiant knows that two kilograms of MDMA is an amount indicative of an intent to distribute and that the street value of that amount of MDMA is at least \$120,000 USD.

Attested to by the affiant:



Michael Hall
Task Force Officer
Homeland Security Investigations

I, the Honorable Gary L. Favro, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on April 7, 2021 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Gary L. Favro
United States Magistrate Judge
Northern District of New York